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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,011	03/12/2001	Jeffrey Nayhouse		8879

7590

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JEFFREY NAYHOUSE  
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EXAMINER

HAROLD, JEFFEREY F

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 06/16/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/804,011

Applicant(s)

NAYHOUSE ET AL.

Examiner

Jefferey F Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7-9,13,19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-9,13,19 and 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-3, 13, 19, and 21-25*** are rejected under 35 U.S.C. 102(e) as being anticipated by Gabara (United States Patent 6,292,557).

Regarding **claim 1**, Gabara discloses a telephone comprising: a) a input device for entering keyed in digits corresponding to area code digits and local digits of a telephone number; b) an area code memory; c) a user default area code selection device that is selectably user-switchable at any one time t exactly one among a plurality of distinct states, each state being associable with a distinct area code in the area code memory, a selected state designated a current default state, which current default state is maintained independently of any of said keyed in digits that correspond to area code digits; and; d) a processor programmed to retrieve from the storage and area code associated with the current default state and prepend the retrieved area code to any keyed in local digits and transmit a signal corresponding to a combined telephone number that comprises the retrieved area code and said keyed in local digits, as disclosed at column 3, line 35 through column 6, line 61 and exhibited in figures1-3.

Regarding **claim 2**, Gabara discloses everything claimed as applied above (see claim 1), in addition Gabara discloses a processor programmed to compare said keyed in digits with each sequence of a list of special number sequences that are not valid for beginning a local telephone number and transmit telephone signal codes that are dependent on the result of the comparison, as disclosed at column 3, line 35 through column 6, line 61 and exhibited in figures1-3.

Regarding **claim 3**, Gabara discloses everything claimed as applied above (see claim 1), in addition Gabara discloses wherein the real-time input device is a keypad, as disclosed at column 3, line 35 through column 6, line 61 and exhibited in figures1-3.

Regarding **claims 13, 19 and 21-25** they are interpreted and thus rejected for the reason set forth above in the rejection of claims 1-3.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Claims 4, 5, 7, 8, 9 and 26-30*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabara in view of well know prior art (MPEP 2144.03).

Regarding **claim 4**, Gabara discloses everything claimed as applied above (see claim 1), however, Gabara fails to disclose wherein the real-time device is a virtual keypad. However, the examiner takes official notice of the fact that it was well know in the art to provide wherein the real-time device is a virtual keypad.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gabara by specifically providing wherein the real-time device is a virtual keypad, for the purpose of entering alphanumeric characters into the phone.

Regarding **claim 5**, Gabara discloses everything claimed as applied above (see claim 1), however, Gabara fails to disclose wherein the real-time device is a voice input device. However, the examiner takes official notice of the fact that it was well known in the art to provide wherein the real-time device is a voice input device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gabara by specifically providing wherein the real-time device is a voice input device, for the purpose of voice activated dialing of digits.

Regarding **claim 7**, Gabara discloses everything claimed as applied above (see claim 1), however, Gabara fails to disclose a display. However, the examiner takes official notice of the fact that it was well known in the art to provide a display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gabara by specifically providing a display, for the purpose of providing visual indication.

Regarding **claim 8**, Gabara discloses everything claimed as applied above (see claim 7), however, Gabara fails to disclose electrical circuitry for display of virtual push buttons. However, the examiner takes official notice of the fact that it was well known in the art to provide electrical circuitry for display of virtual push buttons.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gabara by specifically providing circuitry for virtual push buttons, for the purpose of entering alphanumeric characters into the phone.

Regarding **claim 9**, Gabara discloses everything claimed as applied above (see claim 8), however, Gabara fails to disclose electrical circuitry for display of an area code selection menu. However, the examiner takes official notice of the fact that it was well known in the art to provide circuitry for display of an area code selection menu.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gabara by specifically providing circuitry for display of an area code selection menu, for the purpose of completing a dialed telephone call.

Regarding **claims 26-30** they are interpreted and thus rejected for the reason set forth above in the rejection of claims 4, 5, and 7-9.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
June 12, 2004

Jefferey F Harold  
Examiner  
Art Unit 2644



XU MEI  
PRIMARY EXAMINER